

EXHIBIT H



Home News Sport Radio TV Weather Languages

UK version © International version | About the versions



WATCH One-Minute World News

Search

Low graphics | Accessibility help

News services
Your news when you want
it



News Front Page



Africa

Americas

Asia-Pacific

Europe

Middle East

South Asia

UK

Business

Health

Science/Nature

Technology

Entertainment

Also in the news

Video and Audio

Have Your Say

In Pictures

Country Profiles

Special Reports

RELATED BBC SITES

SPORT

WEATHER

ON THIS DAY

EDITORS' BLOG

LANGUAGES

Last Updated: Wednesday, 7 June 2006, 13:10 GMT 14:10 UK

E-mail this to a friend

Printable version

Rendition and the rights of the individual

By Paul Reynolds

World Affairs Correspondent, BBC News website

The outrage evident in the Council of Europe report on the secret CIA rendition programme emerges from a clash between the methods used by the United States to break up al-Qaeda networks and the sensitivities of human rights mechanisms introduced into post-war Europe and designed not to permit the unhindered use of government power.

The report's author, Swiss Senator Dick Marty, following up his earlier draft findings, identified what he felt was the difference between the responses to terrorism by Europe and the US:

"While the states of the Old World have dealt with these threats primarily by means of existing institutions and legal systems, the United States appears to have made a fundamentally different choice: considering that neither conventional judicial instruments nor those established under the framework of the laws of war could effectively counter the new forms of international terrorism, it decided to develop new legal concepts.

"This legal approach is utterly alien to the European tradition and sensibility, and is clearly contrary to the European Convention on Human Rights and the Universal Declaration of Human Rights."

It is important to stress here that the argument is not about the origins of the human rights mechanisms, the inspiration for which came as much from the US as from Europe. It is about their application today.

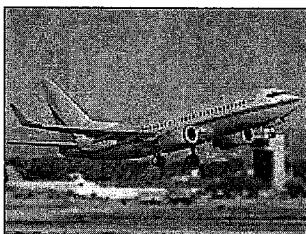
American attitudes

The American decision to engage in counterterrorism beyond the reach of national or international law arose from a desire - a need as Washington saw the matter - to avoid the restrictions of the US law and constitution, which protect individual rights.

It therefore built not only Guantanamo Bay, but a series of "black sites", or secret prisons around the world. In these black sites, senior al-Qaeda suspects were held and interrogated, sometimes by so-called "enhanced" methods.

For the Bush administration, authority for this came from a congressional resolution passed on 14 September 2001.

Under this resolution "the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that



Suspected CIA rendition flight - part of a new legal framework?

CIA 'SECRET WAR'

KEY STORIES

US 'ignored' UK rendition protest
CIA rejects secret jails report
CIA jails in Europe 'confirmed'
First CIA rendition trial opens
US accused over 'ghost detainees'
EU states 'knew of CIA flights'

BACKGROUND AND ANALYSIS



Unresolved

The Euro Parliament report will not end the controversy, writes Stephen Mulvey.

Italy secrets threaten CIA trial
Rendition v individual rights
Bush stands by CIA prisons
Q&A: Bush and CIA prisons
Europe under 'rendition' cloud
Tales of torture
Q&A: Jails claims
Analysis: Legal debate

HAVE YOUR SAY

European report: Your views

RELATED INTERNET LINKS:

Marty report
Council of Europe
CIA

The BBC is not responsible for the content of external internet sites

TOP EUROPE STORIES

Kremlin insists election was fair
Sarkozy says colonial rule unjust
EADS 'to produce outside Europe'

News feeds

occurred on September 11, 2001... in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

Specific authority for the CIA to act as it saw best against al-Qaeda was then given by President Bush in a "presidential finding" on 17 September 2001.

Clash

It was therefore perhaps inevitable that one day, there would be a clash between the operational requirements of the CIA and the legal concerns of European human rights organisations, led by the Council of Europe, which administers the European Convention on Human Rights.

This clash is but one element of the wider legal struggle that has seen efforts to get rights for the Guantanamo Bay prisoners and pressure on the US to abide by a strict interpretation of the international convention against torture.

The US Secretary of State Condoleezza Rice has stated that her country does not engage in torture or hand over prisoners to those who do.

Poland and Romania

The most serious charge Mr Marty makes in his report is against Poland and Romania, both of which he all but accuses of having allowed the CIA to run black sites.

These suspected secret prisons were in fact exposed by the Washington Post in an article in November 2005.

Poland and Romania were not named in that article - the reference was to "several democracies in Eastern Europe" - at the request of the White House, but they were soon revealed.

It is believed that the sites were rapidly closed and the prisoners transferred, perhaps to somewhere in North Africa.

Mr Marty has now collated flight data from rendition flights and has pointed a finger of suspicion at both countries, which continue to deny they did anything wrong. In this, he goes beyond his earlier, preliminary report.

Other intriguing circumstantial information has come from Muhammad Bashmila, a former secret prisoner now free in Yemen.

In a rare interview with the BBC Newsnight programme, he spoke of being transferred from Afghanistan to a secret prison where it was cold, where the food appeared European and where evening prayers were held at the late hour of 2045. Somewhere in Eastern Europe is suspected.

Balance of liberties

It is argued, by the British government among others, that the phenomenon of Islamic terrorism is so grave that there has to be a reconsideration of the balance of liberties.

Previously, according to this view, the individual had to be protected against governments. But now the individual ability to wage war on societies is so great that individuals have to be restricted.

Mr Marty does not accept this.


In his report, he states: "The compilation of so-called "black lists" of individuals and companies suspected of maintaining connections with organisations considered terrorist and the application of the associated sanctions clearly breach every principle of the fundamental right to a fair trial: no specific charges, no right to be heard, no right of appeal, no established procedure for removing one's name from the list."

But he also quotes within his report a defence from Dan Fried, the US Assistant Secretary of State for European Affairs:

"We are attempting to keep our people safe; we are attempting to fight dangerous terrorist groups who are active and who mean what they say about destroying us. We are trying to do so in a way consistent with our values and our international legal obligations.

"Doing all of those things in practice is not easy, partly because - as we've discovered as we've gotten into it - the struggle we are in does not fit neatly either into the criminal legal framework, or neatly into the law of war framework."

 E-mail this to a friend

 Printable version

PRODUCTS & SERVICES

[E-mail news](#)

[Mobiles](#)

[Alerts](#)

[News feeds](#)

[Podcasts](#)

MMVII

Most Popular Now | 19,014 people are reading stories on the site right now.

[Back to top ^^](#)

[Help](#) | [Privacy and cookies policy](#) | [News sources](#) | [About the BBC](#) | [Contact us](#)

Clarkson's

Join Jeremy Clarkson in
Britain's war heroes

TIMESONLINE

NEWS COMMENT BUSINESS SPORT LIFE & STYLE ARTS & ENTERTAINMENT

MARKETS ECONOMICS INDUSTRY SECTORS COLUMNISTS MOVERS & SHAKERS MONEY LAW ENTERPRISE RELATED REPORTS

Where am I? Home Business Law Public Law

From The Times

June 7, 2006

'Terror flight' inquiry uncovers collusion

By Our Foreign Staff

EUROPEAN governments collaborated with the United States in the "extraordinary rendition" of terror suspects, a report by Europe's top human rights body is expected to claim today. According to an advance copy of the report by the Council of Europe, obtained by the BBC, Britain and 13 other countries are implicated in the practice of transferring terror suspects to a third country for questioning. Human rights groups have criticised the process, saying that it exposes detainees to the risk of torture.

Dick Marty, a Swiss Senator who has been conducting the seven-month inquiry, is reported to have concluded that rendition is based on an "utterly alien legal approach" and that a "spider's web" of rendition flights had criss-crossed Europe.

Countries including Spain, Turkey, Germany and Cyprus provided "staging posts" for rendition operations, while Portugal, Ireland, Greece and Britain were stop-off points for flights operated by the CIA, the report added. Britain was also accused of passing on information to the CIA about its citizens or residents, who then face rendition and/or torture. Prisoners have also been captured for rendition in Italy, Sweden, Bosnia-Herzegovina and Macedonia, according to the report.

Mr Marty's most serious charges are levelled against Poland and Romania, where he is said to have unearthed "new evidence to strengthen suspicions that CIA secret prisons were or are established on their soil". Both governments have strenuously denied the existence of such "black sites".

"It is only through the intentional or grossly negligent collusion of the European partners that this 'web' was able to spread also over Europe," the report is said to state.

The BBC said Mr Marty's evidence was based on flight plans filed with European air traffic controllers. The data reportedly showed a "clear pattern" of "rendition circuits", or specific missions for the transfer of prisoners. Trips were logged not only to Romania but from Afghanistan to Poland, it added.

The BBC interviewed Muhammad Bashmilah, a Yemeni who claimed to have been one of those subjected to rendition. He said that he was captured in Jordan in October 2003, flown to US custody in Afghanistan and then to a secret prison in an unknown location.

There he was held in a 10ft by 13ft (3m by 4m) cell, shackled to the floor and kept in solitary confinement for 19 months before being released, it was alleged.

PRINT

EMAIL

POST TO
DELICIOUS

POST TO

POST TO YAHOO!

POST TO DIGG

EXPLORE PUBLIC LAW

CORPORATE LAW

PUBLIC LAW

COLUMNISTS

LAW PANEL

STUDENT LAW

LAW REPORTS

YOUR SHOUT

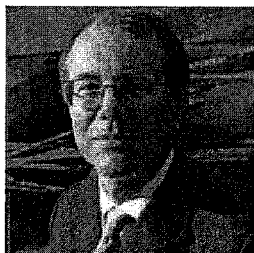
TIMES RECOMMENDS

Sports minister will lose his war against foreigners
The Bar is simply not getting the best brains
Lawyer of the Week: William Clegg

MORE LAW NEWS

Websites sell secret bank data and PINs
Setback for BP as judge delays hearing on plea deal
Troubled times in the 'Republic of Samsung'
Why employers pick up the bill for disputes with staff
Ban proposed on disability abortions

HOW TO ...



Be a better deal maker

David Cheyne of Linklaters



"I defy anyone to read the Times article and not set up standing order" India Knight

OUR PAPERS AUDIO / VIDEO

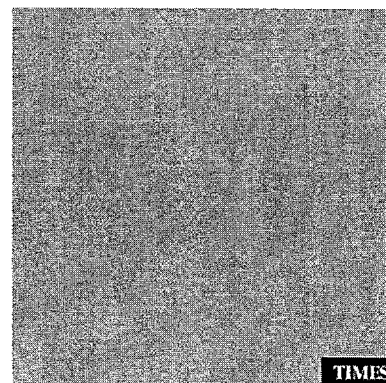
Sponsored by Live Search

MY PROFILE OFFER

MOST READ MOST COMMENTED MOST CUF

TODAY

Gay rumours eclipse Condi's glory...
France stunned by rioters' savagery
Teddy bear teacher flies out of Sudan
Spice Girls wow Canada in first of reunion...



FOCUS ZONE



Celebrate Sydney

We take you on a tour of discover the capital of New South Wales, sea and surf in the city of Sydney

Business Podcast
Love Lager
Britain's Best Kept Secrets
Wine & Dine
The Grade
Modern Day Business

Your World
New horizons
Fantasy CEO
Fink Tank Footba
Entrepreneurs
Business Travel

QUICKLINKS

SU DOKU



Now Interactive

Love Sudoku? Play our brand new interactive game: with added fun and daily prizes.

Su Doku
Travel

Driving
Podcasts

Career &
Photo Ga

BUSINESS EXTRAS

Sunday Times Wine Club

Free Credit Rep

ALSO IN PUBLIC LAW

Gloves on for another bout with ministers
Court hears Henri Paul was not supposed to drive Diana,
Princess of Wales
Judge locks up boy indefinitely for attempting to rape teenager

ALSO IN LAW

Sperm donor forced to pay child support after lesbian couple split
Lawyer of the Week: William Kuebler
In the City: December 4

shares his years of
experience on what makes an
effective M&A lawyer

BABYBARISTA**My latest devious scheme...**

The law's most scandalous
blogger has secured tenancy,
but the politics of the Inns of
Court hasn't let up

QUICK LINKS

Blog: BabyBarista
Contact Us
David Pannick, QC
The Law Explored
My Weekend
The Water Cooler
Weird Cases

NEWS ALERTS**Law RSS feed****E-MAIL BULLETIN****Law in your inbox**

Sign up and get analysis and
comment from the likes of
Frances Gibb and David
Pannick, QC every Tuesday

STEUART AND FRANCIS**Queens Counsel**

November 20

PREVIOUS CARTOONS

November 6
October 23

BUSINESS EDUCATION

Law Books

Money Shop
Free Finance B
MBA

CLASSIFIEDS

CARS JOBS

PROPERTY TRAVEL

JOBS

Head of Sales &
Retention
c.£150k
British Gas Business
Midlands

Analysts
£21,633- £28,807
HEFCE
Bristol

Protection & Investment
Business Analyst
£ £23,975 - £29,968
Nationwide
Swindon

Senior Legal Counsel -
Communications Law
Competitive
Orange
London

Search more Jobs

Search Ad Reference:

SEARCH

Ads by Google**Theory and Practice**

In International Affairs At NYC's The New School
www.la.newschool.edu

Coffee Exposed

A shocking secret coffee co's don't want you to know.
www.coffeefool.com

Master of Social Science

Earn a Syracuse University Degree Flexible self-paced distance
format
Yesu.syr.edu

International Relations

Study international relations at AMU & earn a degree online!
www.amuonline.com

October 9
September 25
September 11
September 4

FEATURES



Future stars of the City: 10 to watch

How 'convergence' is shaping the law

The UK's most high profile lawyers

Where am I? Home Business Law **Public Law**

CONTACT US BA

NEWS COMMENT BUSINESS SPORT LIFE & STYLE ARTS & ENTERTAINMENT

Sponsored by  Live Search

Contact our advertising team for advertising and sponsorship in Times Online, The Times and The Sunday Times.

© Copyright 2007 Times Newspapers Ltd.

This service is provided on Times Newspapers' standard Terms and Conditions. Please read our Privacy Policy. To inquire about a licence to reproduce material from Times Online or The Sunday Times, click here. This website is published by a member of the News International Group. News International Limited, 1 Virginia St, London E98 1XY, is the holding the News International group and is registered in England No 81701. VAT number GB 243 8054 69.

Agence France Presse -- English
European governments collaborated with US on rendition: report
June 6, 2006

European governments collaborated with the United States in the "extraordinary rendition" of security suspects while two secret prisons were or are located in eastern Europe, the BBC claimed Tuesday.

The corporation's flagship political programme "Newsnight" based its claims on an advanced copy of the Council of Europe's report into the matter, which it said it had seen.

The report by Swiss lawmaker Dick Marty, to be published Wednesday, is said to implicate 14 European governments in the practice, which involves the transfer of security suspects to a third country for questioning.

Human rights groups have criticised the process for exposing detainees to the risk of torture.

According to the BBC, Marty is said to have concluded that rendition is, for Europe, based on an "utterly alien legal approach" and that a "spider's web" of rendition flights had criss-crossed Europe.

Countries including Spain, Turkey, Germany and Cyprus provided "staging posts" for rendition operations, while Portugal, Ireland, Greece and Britain were stop-off points for US Central Intelligence Agency flights, the report added.

Britain was also accused of passing on information to the CIA about its citizens or residents, who then face rendition and/or torture.

Prisoners have also been captured for rendition in Italy, Sweden, Bosnia-Herzegovina and Macedonia, according to the report.

But the BBC said Marty's most serious charges are levelled against Poland and Romania, where he has reportedly unearthed "new evidence to strengthen suspicions that CIA secret prisons were or are established on their soil".

Both governments have strenuously denied the existence of such "black sites".

"It is only through the intentional or grossly negligent collusion of the European partners that this 'web' was able to spread also over Europe," the report is said to state.

The BBC said Marty's evidence was based on flight plans filed with European air traffic controllers. The data reportedly showed a "clear pattern" of "rendition circuits", or specific missions for the transfer of prisoners.

Trips were logged not only to Romania but from Afghanistan to Poland, it added.

The BBC illustrated its item on the subject with an interview with Muhammad Bashmilah, a Yemeni who believes he was one of those subjected to rendition.

He told the broadcaster he was captured in Jordan in October 2003, flown to US custody in Afghanistan and then to a secret prison in an unknown location.

He was said to have been held in a 10-feet by 13-feet (three-metre by four-metre) cell, shackled to the floor by a 110-link chain and kept in solitary confinement for 19 months before being released.

Bashmilah was likely to have been held in northeastern Europe after putting his recollections, particularly of temperatures, evening prayer and sunset times, to a scientist from the Britain's Royal Observatory, the BBC said.

European governments collaborated with US on rendition: report, AGENCE FRANCE PRESSE, June 6, 2006

EXHIBIT

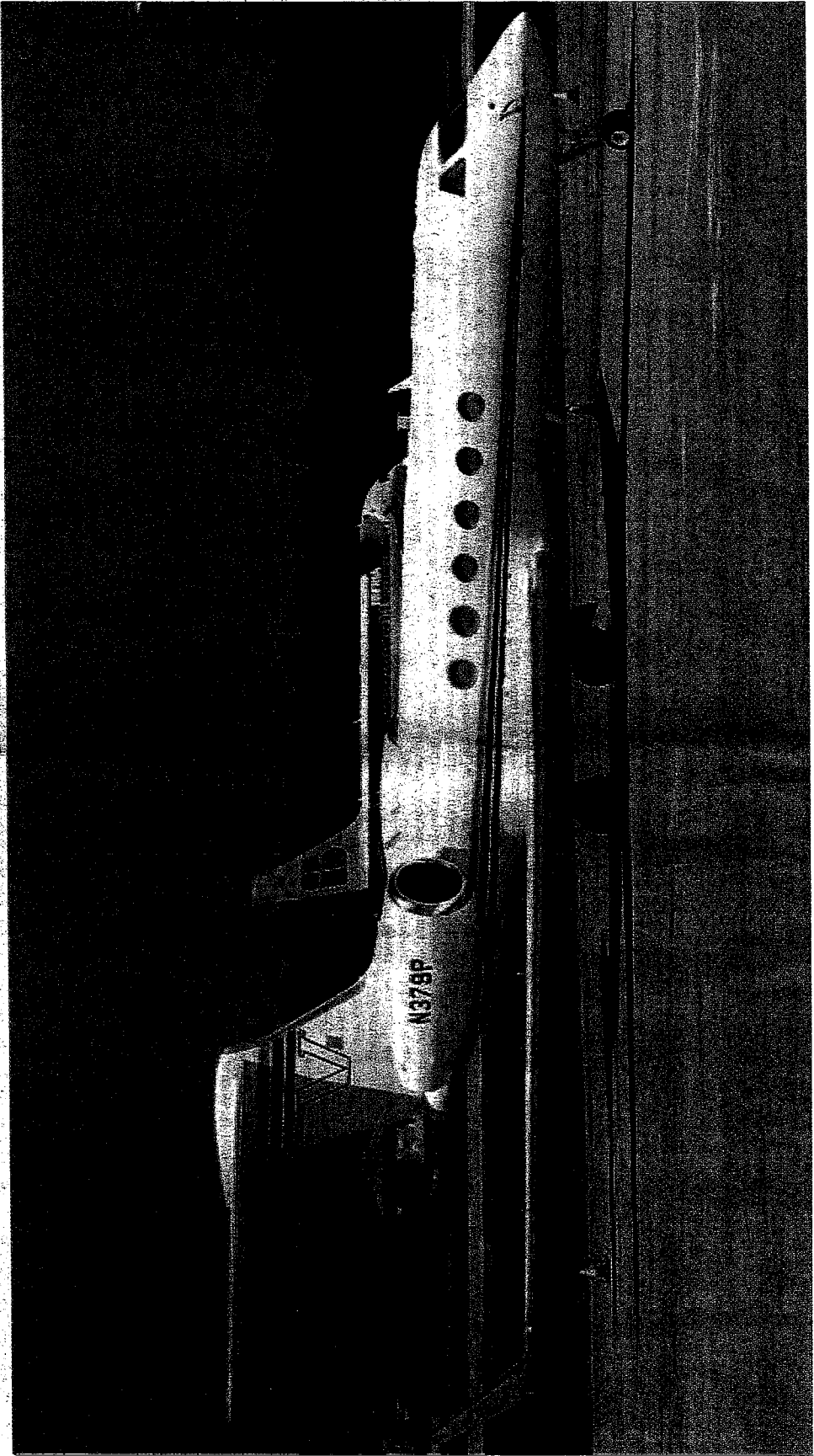
I

Søndag 21. oktober 2007 | www.politiken.dk

POLITIKEN 3

PS

Videnskab



Torturflyet

I årevis har den amerikanske efterretningstjeneste CIA tilbageholdt mistænkte terrorister og fløjet dem til torturfængsler. Skiften af danske regeringer har afvist ethvert kendskab. Men tidligere CIA-chefen siger nu, at Danmark har kendt til fangeprogrammet i lang tid, og CIA har med stor sandsynlighed også benyttet dansk lufterum til sine omstridte fangetransporter.

CLAUS BLOK THOMSEN, WASHINGTON, OG MATIAS SEIBELIN

Plottene i det lille romtorsers ledly forfalte blot kontrolflånen i Kasrups, at de fløj et almindeligt civil fly. Kontrolflånen vidste angiveligt ikke, at flyet blev benyttet af den amerikanske efterretningstjeneste CIA til at flyve formodede terrorister til fængsler rundt om i verden, hvor de blev udsat for tortur. Derfor fik flyet uden problemer lov til at passere gennem dansk lufterum på sin vej ned over Europa fra den amerikanske hovedstad, Washington.

Klokken var otte minutter over halv tre om natten 25. oktober 2003.

De seneste par år har det danske uden-

rigsministerium flere gange påpeget over for USA, at dansk lufterum ikke må bruges til CIA's omstridte fangemissioner, fordi de strider imod de internationale konventioner. Samtidig har den danske regering dog understreget, at den ikke har nogen viden om, at CIA skulle have misbrugt dansk lufterum.

Men det var formentlig lige præcis,

hvad CIA gjorde den 11. oktober 2003. For flyet var på vej ned til den jordaniske hovedstad Amman. Her sad den 37-årige Mohamed Bashmullah indespenket i et fængsel. Han var om i hele kroppen efter at være blevet gennembanet på dage tidligere, han blev anholdt. Han fortæller, at forhørslederne havde slået ham og truet med at dræbe hans kone for øjnene af ham. De havde slået ham alle mulige spørgsmål om al-Qaeda. Hvert han kendte i terrororganisationen, og hvad han selv havde fortæret sig i det. Han havde benægtet at han nogensinde havde haft noget med al-Qaeda at gøre. Men forhørslederne var blevet ved med at torturere ham, og til sidst havde han skrevet under på et udtalelse.

Jeg var villig til at gøre hvad som helst for at slippe for tortur.

Mohamed Bashmullah blev ført ind i et lokale, hvor hans araber blev båret og slæbt. Men efter at stykke ud af kroppen, ligesom ne. Han fortæller, at en mand i sort omryggen på ham og færdede hans hånd. Han holdt sin hånd for Mohamed Bashmullahs øjne, men Mohamed Bashmullah kunne alligevel gennem mandens fingre se, at der stod to andre mænd rundt om ham.

De tog alt det af ham og fotograferede ham. En af dem var fotograferet om fingern på hans enderarm. Dernæst gav de ham en blå plaid og en kortermest trøje og nogle bukser og læn. Kede både hans fødder og hænder. Så gav de ham et bånd for øjnene og

puttede samtidig nogle propper ind i hans ører og gav ham hørevern på hovedet. Jeg kunne intet se eller høre, siger Mohamed Bashmullah.

Han blev ført seks syv trin op ad en lille trappe og ind i et ventende fly. Han blev lagt ned på noget han tror var en metalplade, og tænket til den. Han var bange, da flyet lettede for at flyve til det, han senere fandt ud af var Afghanistan.

Jeg tænkte på min kone, og min mor. Hvad skulle de blive af, hvis jeg blev med Bashmullah.

Omstridt fangeprogram
Flyet, som Mohamed Bashmullah blev ført ind i, var en stor, sandymlet og omstridt fangeprogram.

Sidenhen er flyet blevet brugt til at flyve formodede terrorister til fængsler rundt om i verden, hvor de blev udsat for tortur. Flyet blev brugt til at flyve formodede terrorister til fængsler rundt om i verden, hvor de blev udsat for tortur.

Sidenhen er flyet blevet brugt til at flyve formodede terrorister til fængsler rundt om i verden, hvor de blev udsat for tortur. Flyet blev brugt til at flyve formodede terrorister til fængsler rundt om i verden, hvor de blev udsat for tortur.

25. oktober 2003

Et amerikansk CIA-fly med nummeret N379P har kurt med Danmark fra Washington i USA.

FANGETRANSPORT. Det var dette fly, den amerikanske efterretningstjeneste CIA efter 11. september 2001 fortsat anvendte til at flyve formodede terrorister til fængsler i Asien, Østeuropa og Mellemøsten, hvor de blev underkastet grov tortur. Den 25. oktober 2003 fløj det over Danmark på vej til Jordan - med stor sandsynlighed for at hente den 37-årige Mohamed Bashmullah, der heretter blev holdt indespenket i forskellige fængsler i to et halvt år uden at blive præsenteret for en anklage. CIA lejede flyet af et amerikansk firma. Når det fløj over bl.a. Danmark, oplyste piloterne blot, at de var et almindeligt civil fly, så de ikke vakte opsigt. Flyet har fra oktober 2001 til december 2003 fløjet over Danmark 14 gange. Foto: Luis Goncalves

der. Heriblandt forbuddet mod tortur og retten til at komme for en dommer, hvis man bliver anholdt.

De fleste europæiske regeringer - blandt andet den danske - har været, at USA ingenting har fortalt dem om CIA's fangeprogram.

Men for første gang har det offentlige i Danmark hørt om det. Det har ingen problemer med det, jeg har gjort. For alt, hvad jeg gjorde, var godkendt af Det Hvide Hus, siger han.

Men da han på en café på banegården midt imellem forræddere, rejste sig og gik ud af døren, blev han mødt af en gruppe af fangeprogrammet, som han havde kendt til i mange år.

I stedet bliver det en fortælling om, at CIA-folk var udsat for at flyve fanger til fængsler rundt om i verden, hvor alle vidste, at de blev tortureret, men hvor CIA ikke turde gøre andet end pære de ord, der kom fra Det Hvide Hus.

Allerede da World Trade Center første gang blev angrebet i 1993, gik det op for den daværende amerikanske præsident, Bill Clinton, at Osama bin Laden udgjorde en stigende trussel. Derfor gjorde han Michael Scheuer til chef for en særlig bin Laden-enhed i CIA og gav samtidig CIA ordre til at fjerne formodede terrorister fra gaden, som det blev udtrykt. Det blev betragtet som en syndens på CIA's hemmelige fangeprogram.

Bill Clinton satte dog som betingelse, at CIA kun måtte tage de formodede terrorister, som der var udsendt en international arrestordre på, og som nogle lande efterlyste. Bill Clinton var ikke interesseret i at få dem til USA og ville i stedet have lande med mere lempelig holdning til menneskerettighederne til at gøre det. Bill Clinton havde Egypten store problemer med terrororganisationen al-Gama'a al-Islamiya, der blandt andet havde båret an til mordet på den tidligere amerikanske præsident John F. Kennedy.

Fortællingen side 2-3

Bill Clintons torturprogram

Michael Scheuer lever ikke op til Hollywoods billede af en hårdtslående efterretningssag. Han har gråt skæg og runde briller, der gør hans øjne små. Han går

Fortsat fra forsiden

»Vi ønskede, at fangeme skulle retsfor-

»Abu Talal var en meget farlig mand. Og der var generel enighed om, at det var en.

Herhjemme vil PET hverken svare ja eller nei på spørsmålet om, hvorvidt CIA

ikke se, ikke høre

Allerede seks dage efter angrebet u-
terror.

egentlich talet omi.

formlingen af CIA's fangeprogram.

Vi ønskede, at fangerne skulle rejses i lande uden for USA, fordi vi ikke havde nogen tvivl om, at de var en del af dem, der havde været med til at gøre det muligt for USA selv om de var fange i et land, hvor de måske ikke gjort noget kriminelt over for USA. Hvis de derimod blev retsforfulgt i et land, hvor de havde begået deres forbrydelser, var det en større chance.

for at få dem dømt, siger han, og er enig med Michael Scharf i, at CIA ikke hævdede sig så meget ved fangerne videre skæbne i blandt andet Egypten.

Vi gik op i at sikre fangerne deres næste retsretninger. Men den eneste mulighed var, at de blev retsrettede i et land, hvor de kunne blive retsrettede.

Den hellige kriger i Danmark

Den første, CIA tog i deres nyskrettede fangeprogram, var en 38-årig mand, der havde politisk asyl i Danmark.

Han hed Talaat Rust Kasem, men gik til daglig under kaldenavnet Abu Talal. Abu Talal blev født i Egypten og havde i sit hjemland været medlem af terrororganisationen al-Gama'a al-Islamiya. Han passede lige ind i CIA's fangeprogram, fordi de egyptiske myndigheder havde udstedt en arrestordre på ham. De var endda gået endnu længere og havde på forhånd dømt ham til døden.

Abu Talal var klar over, at de egyptiske myndigheder var efter ham og var derfor i 1992 flygtet til Danmark. Her kom det ham til gavn, at et af hovedprincipperne i den danske udlandingslov er, at man ikke må sende mennesker tilbage til lande, hvor de risikerer henrettelse. Han havde derfor trods sine terrorforbindelser fået politisk asyl i Danmark.

Den egyptiske regering var rasende over den danske imødekomsthed. Ifølge Politikkens oplysninger kontaktede den daværende egyptiske udenrigsminister, Amr Moussa, der i dag er generalsekretær for Den Arabiske Liga, flere gange Udenrigsministeriet i København for at få ham udløst, hvilket Danmark nægtede.

CIA havde også deres grunde til at formode, at Abu Talal virkeligt var en farlig terrorist. Han var både ven med en af hovedmændene bag det første angreb på World Trade Center i 1993 og med Aynan al-Zawahiri, som i dag anses for at være Osama bin Ladens næstkommanderende i terrornetværket al-Qaeda.

Derudover mente CIA, at han i midten af 1990'erne var med til at opbygge muslimske terrororganisationer på Balkan. I Danmark var han kendt i det muslimske miljø for i forskellige moskeer at holde flammende taler om hellig krig.

Abu Talal var en meget farlig mand. Og

der var generel enighed om, at det var en

god idé at få ham udløst af Egypten.

Informerede den om Abu Talals forsvin-

ingen om, at det var en god idé at få ham

udløst af Egypten.

Herhjemme vil PET hverken sige ja eller

nej på spørgsmålet om, hvorvidt CIA

efterretningstjenester, når de søger at

indsamle oplysninger om personer, der

har været i forbindelse med terrorisme

eller andre aktiviteter, der kan være

farlige for Danmark.

Herhjemme vil PET hverken sige ja eller

nej på spørgsmålet om, hvorvidt CIA

efterretningstjenester, når de søger at

indsamle oplysninger om personer, der

har været i forbindelse med terrorisme

eller andre aktiviteter, der kan være

farlige for Danmark.

Abu Talal



Egypten

Abu Talal flyves til Egypten i en fælles aktion mellem egypterne og amerikanerne. I Egypten var Abu Talal eftersøgt for terrorisme. Her forsvinder han. Sandsynligvis bliver han henrettet.

3



2

Zagreb

Kort tid efter ankomsten i Zagreb tilbageholder Abu Talal - formelt af de kroatiske myndigheder.

1 Danmark

12. september 1995
Abu Talal besidder i Danmark, rejser til Kroatiens hovedstad Zagreb.

2 Danmark

Den 12. september 1995 flyver Abu Talal fra Danmark til København Lufthavn. Vi er et almindeligt civilfly.



Min vurdering er, at USA blandt andet har henrykket CIA's flyminger. Det er sædvanlig diplomatisk procedure, at enkelte ikke bliver sagt liged. For så kan de enkle reageringer fortolke en beslutning på hver sin måde, hvis den på et tidspunkt bliver et problem. Så kan de hævde, at det ikke var sådan, de forstod beslutningen, siger han.

Torturmetoder

I marts 2002 gjorde CIA deres hidtil største fangst i krigen mod terror. Sammen med pakistanske sikkerhedsstyrker fangede de Abu Zubaydah, der var et ledende medlem af al-Qaeda.

Nu opstod spørgsmålet, hvor hårde forhørmelser CIA måtte bruge for at presse oplysninger ud af ham. Den amerikanske vicepræsident, Dick Cheney, havde efter angrebene 11. september givet udtryk for, at han ville acceptere særdeles hårde forhørsmetoder over for de terrorister, CIA fangede.

Men CIA ville have Det Hvide Hus og det amerikanske justitsministerium til at for- tælle, præcis hvor langt de måtte gå.

I august 2002 udarbejdede det amerikanske justitsministerium derfor et internt papir, der efterfølgende blev døbt Torturmetoder. Det brød grundlæggende med tidligere udtalelser om definition af, hvor- på hårde forhørsmetoder overskred den usynlige grænse og blev til regulær tor-

Washington forsvarede han, de beslutninger, i selv var med til at træffe, om at bruge de forhørsmetoder og oprette hemmelige CIA-fængsler rundt om i verden.

»Vil du gøre med fanger, som måske skulde med informationer om nye terrorgrupper? Vi fik oplysninger ud af dem, kunne vi måske redde tusindvis af. Derfor ville vi have mulighed for at bryde aggressive afhøringsmetoder,«

»Hvi fangede fangerne på amerikansk jord, ville vi være nødt til at følge de garantier, som den amerikanske forfatning giver. For eksempel at man ikke kan fange folk uden at komme med anklage. Under disse forhold kunne vi ikke etablere den rette atmosfære, hvis skulle følge den slags retslige regler, så var nok til at suspendere reglerne i fangeholdte fangerne uden for USA.

Tilbageblev var forhørmelse. Gangsteforskrifterne i CIA's Geografiske Center, at oplysninger fra dissidenter, hanforholdet terrorhandlinger i USA, Storbritannien og Mellemøsten i Syd- og Centralasien.

Lært til væggen

Mohamed Basmiliah fik også CIA's hårde forhørsmetoder at føle, da han i oktober 2004 blev bragt til USA.

2003 blev flyet til Afghanistan efter at være blevet fængslet i Jordan.

»Da vi landede, færdede vagterne mine håndjern og bandt mine hænder sammen med plastisnore, fortæller han.

Han fik også taget det bind af, han havde haft på øjnene, og blev skubbet ind i en ventende bil.

»Jeg blev lagt ned, og en satte sig på min ryg, så jeg ikke kunne løfte hovedet, jeg troede, det var for at undgå, at jeg skulle se ud ad vinduerne,« siger Mohamed Basmiliah.

Han blev kørt til en lejr, som hans senere fandt ud af måtte være den amerikanske base Bagram.

Han blev anviset en celle, som han fortæller kun var på cirka 4 kvadratmeter. De første par uger var både hans hænder og fødder bundet.

»De troede, at jeg var medlem af al-Qaeda,« siger han.

Efter et par uger nøjedes vagterne med at binde hans fødder sammen. Hans ene hånd var dog fortsat fæstet til væggen i cellen.

»Men forhørmelse var ikke så voldsomme længere, jeg var meget samarbejdsvillig. Forhøret bestod mest af at de stille mig billeder af folk, som jeg skulle fortælle, om jeg kendte. Men det var alligevel et problem, for hvis jeg sagde, at jeg kendte dem, begyndte de med det samme at spørge løs,« siger Mohamed Basmiliah.

Han har fortælt til sin advokat, at forhørmelserne talte engelsk, med stærk amerikansk accent, og at de ofte refererede til rapporten, der kom fra Washington.

Mohamed Basmiliah



fængslerne, udtalte den danske udenrigs-

minister, Per Stig Møller (K).

Månedene efter gav Colin Powell i et interview til BBC udtryk for, at han havde fået et nok af, hvad han tydeligt oplyste side-

bag som nogle måneders tidligere trådte til. Han var nødt til at sige, at han havde fået nok af, hvad han tydeligt oplyste side-

»De fleste af vores europæiske venner kan ikke blive chokeret over, at denne ting er sket. Kendingsgangen - at vi over- talt dem har haft procedure på plads, som ville håndtere mennesker, som er ansvar-

lige for terrorhandlinger, eller mis- tanke for terrorhandlinger, og så den ting, der hedder fangeleveringer - det er ikke noget, som er nyt eller ukendt for mine europæiske venner,« sagde han.

Og i marts i år tog også den øverste chef for CIA, Michael Hayden, bla-

der fra munden i en tale, han holdt for EU-landenes ambassadører i Washington om CIA's fangepro-

gram. Talen blev ganske vist holdt for lukkede døre, men det var ikke mødet på offentliggørelse. Men budskabet var ikke til at tage fejl af. Det var en påmindelse om, at EU-landene i årevis har arbejdet sammen med CIA om de kontroversielle for-

hørmelser.

Politiken er besiddelse af en kopi af Michael Hayden's talepapir, og i talen sagde han blandt andet:

»CIA-tilbageholdte har været en nøgle- del af vores forståelse af al-Qaeda i de sidste fem år, og vi har delt denne viden med vores europæiske partnere. Tusindvis af af efterretningsrapporter fra CIA-til- bageholdte er blevet givet til EU-forbin- delsespartnere og medlemslande.

Han fortsatte:

»Derudover har mit bureau fremskaffet hundrevis af svar på de specifikke spørgsmål, jeres tjenester har stillet til de tilbageholdte i vores varetægt. Endelig har CIA givet jer - vores EU-partnere - hundrevis af analytiske vurderinger ba-

seret - i hvert fald delvis - på informa- tioner givet af al-Qaeda-tilbageholdte.

Følgte Robert Grenier - chef for CIA's in-

terrorenter fra 2004 til 2006 - stod der typisk i de af efterretningsrapporter kun, at CIA havde fået oplysninger om, at CIA havde tvunget udtalelserne ud af ham ved at bruge hårdhændede metoder - det, man i Danmark kalder tortur.

Robert Grenier siger, at efterretnings-

jenesterne i de europæiske lande dog

dan forhørmelse var foregået.

»En række af vores partnere var meget tv- rige efter at få oplysninger af os. Men de stillede ikke for mange spørgsmål. Stra- tegien var ligesom, at hvis de lod være med at spørge, så sagde vi ikke noget, siger han.

Men Hans Jørgen Bonnichsen, der fra 1997 til 2006 var chef for den danske in- ternt afslutning af CIA's hemmelige infor- mationer om CIA's hemmelige infor- mationer. Han mener, at det der- imod er CIA, som nu er ude i et helt andet

»Men jeg aldrig set en efterretningsrap- port, hvoraf det fremgik, at CIA havde sine egne fanger, jeg har bemærket, at CIA på det seneste har haft travlt med at vaske hænder. De har åbenbart brug for at legi- timere de afhøringsmetoder, de har an- vendt,« siger han.

»Men kunne ikke efter 2004 - hvor medier for alvor begyndte at afsløre eksistensen og omfanget af CIA's kontroversielle fangepro- gram - regne ud, at nogle af de oplysninger, I fik midt stamme fra programmet?

»Jeg har aldrig modtaget efterretnin- ger, der har beretiget en sådan mistan- ke.

Selvmodersforsøg

Mohamed Basmiliah, sad fængslet på den amerikanske Bagrambase i seks må- neder. Derefter blev han på et tidspunkt til et fly. Nu gik den samme procedure sig, som da han blev flyet fra Jordan til Af- ghanistan.

Han blev klædt nøgen, fik nyt tøj på med indlagt ble, blev lænket og fik blind-

Deretter blev han flyet til et fængsel, som han aldrig fik at vide hvor lå. Men at dominere efter blandt andet klædet reg-

net både hans forsvarsadvokat og Anne- sty International med, at det formening var et af CIA's hemmelige fængsler i Østeuropa.

»Der var meget koldt, og de første to-re dage blev jeg holdt nøgen i min celle, st- ger han.

Han kunne høre, at vagterne i fængslet talte amerikansk med hinanden, så der- for vidste han, de var amerikanere. »Det hele gentog sig. Forhørslederne kom og viste mig billeder og ville vide, om jeg vidste, hvem der var på. Sagde jeg ja, blev jeg underkastet lange forhør.

Hans celle var på omkring 6 kvadrat- meter. Han havde en kasse rundt om an- klen og kæden var sat fast til en ring midt i gulvet. Han har fortælt til sin forsvars- advokat, at han blev udsat for afsindig høj musik mange timer ad gangen.

Til sidst blev torturen for voldsom for ham, og han prøvede at begå selvmord ved at skære sig i hændelserne. Med sit eget blod skrev han på cellenvæggen: »Jeg



Foto: Stephen Gray

tur.

Og hver gang en avis skrev om CIA's brutale metoder, var de europæiske regeringer fulde af foragt.

»USA er en god boksebold«, konkluderede Michael Scheuer.

I november 2005 bad EU's udenrigsministre USA svare på, om CIA havde brugt europæiske lande til hemmelige fange-transporter.

»Vi vil have amerikanerne til at fortælle os, hvad det er om de CIA-fly og hvor meget der er om dette med de hemmelige

hundrevis af analytiske vurderinger baseret - i hvert fald delvis - på informationer givet af al Qaeda-tilbageholdere.

Ifølge Robert Grenier - chef for CIA's antiterrorcenter fra 2004 til 2006 - stod det typisk i de rå efterretningsrapporter kun, hvad en fange havde sagt, men ikke, om CIA havde tungt udtalelses- og af-

han ved at bruge hårdhændede metoder - det, man i Danmark kalder tortur.

Robert Grenier siger, at efterretnings-tjenesterne i de europæiske lande dog heller ikke forsøgte at finde ud af, hvor-

om jeg vidste, hvem der var på. Sagde jeg ja, blev jeg underkastet lange forhør.

Hans celle var på omkring 6 kvadrater. Han havde en kæde rundt om anklens og kæden var sat fast til en ring midt i gulvet. Han har forklaret til sin forsvarsadvokat, at han blev udsat for afsindig højt musik mange timer ad gangen.

Til sidst blev torturen for voldsom for ham, og han prøvede at begå selvmord ved at skære sig i håndledene. Med sit eget blod skrev han på colleevegen: »Jeg er uskyldig«.

Efter 13 måneder i fængslet blev han fløjet til Yemen. Her sad han også fængslet i 10 måneder, inden han blev frigivet. Fra han blev arresteret i Jordan, til han blev løsladt i Yemen, gik der to et halvt år. Han opholder sig stadig i Yemen, hvor han taler med Politiken over en skratende telefonlinje. Han var åbenbart ikke den terrorist, CIA troede, han var. Selv ved han ikke, hvorfor han blev taget.

»De fortalte mig aldrig, hvad jeg var anklaget for«, siger Mohamed Bashmilah.

claus.blok.thomsen@politik.dk

makias.sedellin@politik.dk

Se Politikens tv-interview med CIA-chef Michael Scheuer, der oplysnit fangeprogrammet på www.politiken.dk

Østeuropa

24. april 2004 bliver Mohamed Bashmilah fløjet til et af CIA's hemmelige fængsler, formentlig i Østeuropa.

Jordan

26. oktober 2008 lander flyet i Jordans hovedstad Amman. På dage forinden er Mohamed Bashmilah blevet anklaget af Amman og bragt til en celle, hvor han bliver tortureret.

Yemen

5. maj 2005. Efter 13 måneder bliver Mohamed Bashmilah fløjet til Yemen - og efter yderligere 10 måneder frigivet. Her opholder han sig stadig.

Afghanistan

Senere samme dag foras Mohamed Bashmilah fra cellen og til et ventende fly i Amman - sandsynligvis K379P. Flyet flyver til Afghanistan, hvor Mohamed Bashmilah bliver anbragt i en celle på den amerikanske Bagram-base. Her sidder han i 16 måneder.

FAKTA

CIA benytter fly til mange forskellige formål. Så fordi et CIA-fly er landet i et land, er det ikke nødvendigvis ensbetydende med, at det land har været brugt til en hemmelig fange-transport. Fra 1985 frem til 2001 skønner CIA-kilder, at 30-40 70 formodede terrorister blev tilbageholdt i et land og fløjet til et fængsel i et andet land. Fra 11. september 2001 og frem til nu er tallet på omkring 100.

Enhedslisten har dokumenteret, at fly, der har været sat i forbindelse med CIA's fange-transporter, er landet i Danmark 39 gange og i Grønland 34 gange siden 2001. Men det er ikke nødvendigvis ensbetydende med, at det rent faktisk var fange-transporter. CIA ønsker imidlertid ikke at svare på, hvilke missioner flyene var på, da de landede i Danmark og Grønland.

Talrige artikler i international presse og rapporter fra menneskerettighedsorganisationer har dokumenteret, at af CIA's mest benyttede fly var det, der fløj hen over Danmark i oktober 2003 - angiveligt for at hente Mohamed Bashmilah i Jordan. Det vides med sikkerhed, at det også er blevet brugt til adskillige andre fangeflyvninger.

Article from Politiken.

The pilots on the small two-engined plane merely told the control tower in Kastrup, that they were an ordinary civilian plane. Allegedly, the control tower did not know that the plane was being used by the American intelligence service, the CIA, to fly presumed terrorists to prisons around the world, where they were subjected to torture.

Therefore, the plane was without further ado allowed to pass through Danish airspace on its way across Europe from the American capital, Washington DC. It was 22 minutes to 3AM on the 25th of October, 2003.

The last couple of years, the Danish Ministry for Foreign Affairs have repeatedly pointed out to the United States that Danish airspace may not be used for the CIA's controversial prisoner transports, because they collide with international conventions. At the same time, the Danish government has maintained that to their knowledge, the CIA have not been using Danish airspace for this purpose.

But, apparently, this was exactly what the CIA were doing on this particular night in October 2003. Because the plane was heading towards Amman, the capital of Jordan. There, the 37 year-old Mohamed Bashmilah was being held in a prison. His entire body was still aching from a severe beating, he had taken earlier.

A couple of days earlier he had been arrested. He says, that the people interrogating him had been beating him and threatening to rape his wife in front of him. They had been asking him all sorts of questions about al-Qaeda. Whom he knew in the terror organisation, and what he himself had been doing for them. He had denied ever having had anything to do with al-Qaeda, but the interrogators had continued to torture him and finally he had signed his confession.

"I was willing to do anything to make the torture stop", says Mohamed Bashmilah. Then suddenly, on the night of October 26th he was taken out of his cell. He had been blindfolded and his hands were tied. When he asked where he was going, an officer briefly took off his blind. In front of him was a white, heavyset man with dark sunglasses.

He was taken to a small airport and into a room, where he was beaten again. But after a while, the beating stopped. He says, that a man took off the cloth covering his eyes. The man then covered Mohamed Bashmilah's eyes with his hand but through his fingers, Mohamed Bashmilah could see two more men.

They took off all his clothes and photographed him. One of them shoved a finger brutally up his rectum. They put a napkin on him and dressed him in a t-shirt and trousers, and then shackled his feet and hands. He was blindfolded again and issued with earplugs and a hearing protector.

"I couldn't see or hear anything", says Mohamed Bashmilah.

He was then taken up a small staircase and into a waiting plane. He was told to lie on something he thinks was a metal plate and chained to that.

“I was thinking about my wife and my mother. What was to become of them?” says Mohamed Bashmilah.

The plane, that Mohamed Bashmilah was on, is very likely to have been the small jetplane numbered N379P, which the day before had flown across Denmark. Data, which *Politiken* holds, shows the plane’s route. From it sets off in Washington, crosses Denmark, lands in Jordan and continues toward Afghanistan. All times and dates fit exactly with Mohamed Bashmilah’s accounts of his journey – this information has since been corroborated by the Jordanian authorities.

Apparently, the intelligence service in Jordan believed that Mohamed Bashmilah was a terrorist with extensive knowledge of al-Qaeda, and therefore he had been handed over to the CIA. Mohamed Bashmilah was suddenly part of the CIA’s controversial *Rendition Programme*: He was flown to secret CIA-prisons and subjected to severe torture. Rendition was – and still is today – one of the most important weapons that The United States use in the war on terror. The idea is to catch suspected terrorists and press them to give information in order to prevent future terrorist attacks.

But NGOs such as Amnesty International have accused the United States of ignoring the most basic human rights with this programme. Among these, the prohibition of the use of torture and the right to appear before a judge, when arrested. Most European governments incl. the Danish claim that the United States have said nothing about the CIA’s Rendition Programme.

But, now, former and current commanders in the CIA accuse Denmark and other European countries of being far from as squeaky clean as they claim to be. According to those commanders, the intelligence services in the EU-countries have known about rendition for several years and have even cooperated with the CIA about the controversial prisoner interrogations.

This has led Margaret Satterwhite, Mohamed Bashmilah’s American counsel, to direct her attention to the Danish authorities. Because if the Danish intelligence service and perhaps also the Danish government knew about renditions before October 2003, the control tower in Kastrup should have been notified, so it could have identified the CIA-plane en route to picking up Mohamed Bashmilah and refused it permission to enter Danish airspace.

“One feels compelled to ask if the Danish authorities bear some of the blame for what later happened to Mohamed Bashmilah by allowing the plane to pass through Denmark”, she says.

But the story about the part Denmark played in the renditions does not end here. At an even earlier stage, Denmark played a far bigger part than has hitherto been known. In order to relate that story it is necessary to pop across the Atlantic, to the United States.

Michael Scheuer does not fit the Hollywood image of a hard-hitting secret service agent. He sports a grey beard and wears round glasses, which make his eyes seem smaller. He wears a blue baseball jacket with the word *Yankee* written on the back.

Michael Scheuer is a former commander in the CIA. He is the one that started and developed the CIA’s secret Rendition Programme which led to the capture of Mohamed Bashmilah.

He has agreed to meet up on the central railway station in Washington DC.

"I don't see any problems in what I did. Because everything I did was approved by The White House", he says.

But when he begins his tale about how the programme came about, in a café surrounded by busy travellers, the pride begins to crumble. Instead he relates how CIA agents felt uncomfortable flying prisoners to prisons across the world, where everyone knew they would be tortured. But the CIA were afraid to disregard orders that came directly from the White House.

When the World Trade Center was attacked the first time back in 1993, the then president Bill Clinton realised that Osama bin Laden posed an increasing threat. Therefore he put Michael Scheuer in charge of a special Bin Laden unit in the CIA, and at the same time the CIA was ordered to remove suspected terrorists "from the street", as it was put. This marked the beginning of the CIA's secret Rendition Programme.

But Bill Clinton emphasised that the CIA could only take suspected terrorists, for whom there had been issued an international order for arrest, and whom a country would later prosecute. According to Michael Scheuer, Bill Clinton was not keen on getting them to the States, and instead he wanted countries with a more lenient view on human rights to do the dirty work with incarcerating and interrogating the prisoners.

At that time Egypt had major problems with the terror organisation al-Gama'a al-Islamiya, who was responsible for the murder of Egyptian presiden Anwar Sadat in 1981. If the CIA could capture members of this organisation, Egypt would be more than happy to prosecute and later emprison or execute them. Members of this organisation also posed a threat against America because many of them were also connected to the evolving terror network of Bin Laden.

Egyptian willingness to cooperate meant that the CIA in the beginning focused on a relatively narrow set of primarily Egyptian terrorists. Michael Scheuer says that both he and his employees in the CIA on the one hand agreed that it was necessary to remove terrorists "from the street", but on the other were concerned that they were rendering prisoners to death and torture in Egypt.

"We told Bill Clinton that we would do, what he asked us to do. But we also pointed out that if we began sending these people to countries such as Egypt, his own Foreign Office would say that these countries are infamous for violating human rights. But Clinton didn't care."

According to Michael Scheuer, the CIA were only asked to ascertain that prisoners, which were handed over to Egypt, would be treated in accordance with Egyptian law.

"Throughout the period I was Commander, Clinton and his administration not once issued a demand that a prisoner be treated in accordance with international or American law."

Apart from Michael Scheuer, Politiken has spoken to a dozen current or former employees in the CIA and the American central administration about the secret programme. Half of them have only been willing to talk if full anonymity were granted. Paul Pillar is willing to go public. From 1993, he was chief analyst in the CIA's antiterror centre and from 1997 to 1999, he was deputy commander of the centre. He believes it was with an eye to the law, that the programme was designed.

“We wanted the prisoners to be prosecuted in countries other than America, because we didn’t necessarily hold enough evidence to have them convicted here. They might be dangerous terrorists but hadn’t necessarily done anything criminal in America. If they were prosecuted in the country where the crimes had been committed, they were more likely to be convicted”, he says and agrees with Micheal Scheuer, that the CIA were not particularly concerned about what would happen to the prisoners in Egypt and other countries.

“We did strive to ensure the prisoners’ human rights but back then, those things were not that important in the public eye, so it was not high on the list of priorities”.

The first person, which the CIA grabbed in their new programme, was a 38 year-old man, who had been granted political asylum in Denmark. His name was Talaat Fuat Kasem, but he was called Abu Talal. He was born in Egypt, and there he had been a member of the terror organisation al-Gama’a al-Islamiya. He fitted exactly into CIA’s Rendition Programme, because the Egyptian authorities had issued an order for his arrest. He had in fact been sentenced to death.

Abu Talal knew that the Egyptian authorities were after him, and therefore he had fled to Denmark in 1992. Here, it was advantageous to his case that one of the main principles in Danish law is that people who risk execution, cannot be returned to said country. In spite of his terror connections, he had therefore been granted political asylum in Denmark.

The Egyptian government were furious about the Danish leniency. According to our information, the then Egyptian Foreign Minister, Amr Massa, contacted several times the Foreign office in Copenhagen to have him extradited, which Denmark refused.

The CIA had their own reasons for regarding Abu Talal as a very dangerous terrorist. He was friends with one of the main architects on the first attack on the WTC in 1993, and also with Ayman al-Zawahiri, who is today regarded as Bin Ladens deputy. The CIA also believed that he in the mid-nineties participated in creating Moslem terrororganisations in the Balkans. In Denmark, he was infamous for giving passionate speeches in mosques about the concept of holy war. The CIA were watching Abu Talal closely together with Danish intelligence.

“The CIA were not allowed to survey Abu Talal in Denmark, so Danish intelligence dealt with that matter. But we knew a lot about what he had been up to before coming to Denmark. We exchanged these bits of information, so we all the time had a clear picture of what his plans were,” says Michael Scheuer.

The CIA were fully aware of the Danish view, that no one should be returned to a country where they risked being executed. But Abu Talal was exactly one of those types of terrorists, that the CIA had been ordered to pursue, so the CIA bided their time.

The opportunity arose when Abu Talal flew to Zagreb in Croatia via Amsterdam in September 1995.

“Denmark didn’t tell us anything, but we were tipped off by intelligence in another country, that he was going to Croatia”, says Michael Scheuer.

The CIA decided to grab him in Croatia and then extradite him to Egypt. Michael Scheuer and his people quickly informed the National Security Council, whose job it is to guide the president in matters of national security. The CIA could not proceed without having permission to do so from that council.

They got the permission quickly. According to our sources, the council did not expect any problems with the Danish government, even though it went completely against Danish policy to return Abu Talal to Egypt, where he would most likely be executed.

This interpretation rings true to Philip Wilcox, who at that time was heading the conterterrorist unit in the US Foreign Office.

“Abu Talal was a very dangerous man, and the consensus was, that it was a good idea to have him extradited to Egypt. We didn’t talk about the fact that Egypt had sentenced him to death. We didn’t focus on that aspect”, he says. “The US had close relations with Egypt, and Egypt was helping us with relevant intelligence on terrorists, so there were many reasons to cooperate with them”.

Shortly afterwards, Abu Talal was arrested in Zagreb – officially by the Croatian authorities, but actually because of the CIA, who was waiting around the corner.

Michael Scheuer does not wish to go into detail about, how Abu Talal was then transported to Egypt. The only thing he wishes to divulge, is that he was flown from Zagreb to Egypt, and it was a co-op between the US and Egypt.

According to Michael Scheuer, Danish intelligence was not let in on this operation. It could have led Denmark to demand that the US back down.

“But I am certain that we did tell Denmark about it afterwards. I cannot imagine that we wouldn’t have”, says Michael Scheuer. He adds that, the CIA’s Danish contact in the case of Abu Talal was the Danish police intelligence service, PET, and he got the distinct sensation from PET that they were relieved to have got rid of Abu Talal.

All the same, none of the sources that Politiken has spoken to, says that they personally informed Denmark. But most regard it as selfevident that at least PET were notified, and that PET since 1995 have known about parts of the secret CIA programme.

“I cannot recall telling Denmark – but I cannot imagine otherwise”, says Philip Wilcox.

Former security advisor to President Clinton, Richard Clarke, did not wish to talk to Politiken. But when he in 2004 published his memoirs “Against All Enemies” he himself mentions Abu Talal. “Diplomacy and peacekeeping were not the only tools we used. In 1995, the leader of the Egyptian mujahedines in Bosnia, Abu Talal al-Qasimy, disappeared”, he wrote in his book.

PET will not comment on whether the CIA informed them about the disappearance of Abu Talal, or divulge how much they knew about the secret programme. PET will not comment on anything at all.

“Out of principle, PET does not comment on operations carried out in unison with other countries”, PET write in a brief email, sent to Politiken.

Poul Nyrup Rasmussen, who was Prime Minister in 1995, stresses that, were PET notified about CIA's involvement in the disappearance of Abu Talal and the Rendition Programme, this information was not passed onto him.

“I know no more than what has been said in the media”, he says.

Army Intelligence deny also ever having been let in on a CIA-operation concerning Abu Talal.

Abu Talal was married to an Egyptian woman, who came to Denmark with him. She's still living in Denmark with her children. She wants to keep her name and picture out of the newspaper, but agrees to meet up for an interview in Copenhagen. Her chador leaves only her eyes visible. She says, that she has never been told, what happened to her husband.

“The Danish authorities haven't told me anything”, she says and continues: “He disappeared 12 years ago. He was good to me and the kids, and I loved him very much. On the hand I hope, he will pop up again, on the other I want an explanation, so I can find some peace.”

When Politiken asks, how she feels about the fact that the CIA were responsible for his disappearance, she stares into her lap for a long time.

“I don't know what to say. This is really difficult for me”, she says.

Inside the CIA, they find it a little odd when European governments and intelligence claim they knew nothing of the Rendition Programme. Setting aside the eventual information on the disappearance of Abu Talal, according to the CIA the programme was not a secret after 1999 to those parties.

In August 1999, the American newspaper The Wall Street Journal was the first to reveal the secret CIA-programme. It described how the CIA had captured three men in Albania, and how the US counterterrorism strategy was to “make other countries arrest, deport or simply badger potential troublemakers”.

“The article in The Wall Street Journal was very exact and created quite a stir. And from then on, every intelligence service was without a doubt aware of the programme”, says Michael Scheuer.

Paul Pillar – deputy commander of the CIA's counterterrorist centre from 1997 to 1999 – remembers the article. Today he is a visiting professor at Georgetown University in Washington DC, where he teaches security policy.

“If the US were responsible for capturing some men in Albania, most people figured that they did it in other places too”, he says.

But he thinks that the governments, including the Danish one, chose to ignore it and their civil servants did the same. According to Paul Pillar, it would have been a problem for both the US and its allies if anyone had publicly questioned the programme. Either the US would have had to lie or

they would have had to tell the truth, and that would not have gone down well with the many US allies that didn't want to be connected to the controversial renditions.

"It all boils down to the fact that no one had any interest in the US divulging the programme", says Paul Pillar.

The attacks on September 11th, 2001 changed everything. Particularly, as regards the secret CIA-programme, because it now became quite central in the war on terror. Already six days after, the newly elected President Bush, signed a directive which, according to The Washington Post, licensed the CIA "to kill, kidnap or detain members of al-Qaeda anywhere in the world."

Until then, the CIA could only go after suspected terrorists, on whom there were a pending arrest order and whom a country would prosecute. Now they were given free hands. More money and more men were also assigned to the programme. A few weeks later, in the beginning of October 2001, the US were given the permission to use airports and airspace in the European NATO-countries on "counterterrorism operations".

According to a report issued by the European Council this summer, this phrase referred to the fact that the CIA were now licensed to refuel in the European NATO-countries and use their airspace for the now highly prioritized renditions. The report claims, that it is based on a series of government- and intelligence sources in several countries.

If that is indeed the case, the Danish government had sanctioned that the CIA could use Danish airspace, when the CIA two years later flew over Denmark en route to picking up Mohamed Bashmilih in Jordan.

The CIA refuse to comment on whether the European NATO-countries accepted the transport of prisoners, but stress that the CIA have collaborated with other countries on the programme.

"The CIA do not discuss specific cases, but the renditions are a legal tool in the war on terror, and they have assisted the US and other nations in ungluing terrorplans and networks", says a spokesperson, who wishes to remain anonymous.

The governments of the European NATO-countries have vehemently denied giving permission to CIA's prisoner transports. Diplomats in the Danish Foreign Office, who were present at the NATO-summit in October 2001, say that the agreements were strictly related to the war against the Taleban in Afghanistan, which at that time was certain to follow.

Former deputy commander of the CIA's counterterrorist unit, Paul Pillar, says that the truth is not that straightforward. Because the section in the agreement involving the permission to cross airspace is written in a jargon, popularly referred to as diplomat – swahili: It is never specified what it entails.

"I believe, that the US had the CIA flights in mind. It is a common diplomatic procedure, not to be too straightforward. Then the various governments may read into it what they like. Should there be any problems eventually, they can simply maintain that this is what they understood it to mean", he says.

In March 2002, the CIA caught their biggest fish yet in the war on terror. Together with Pakistani security forces, they caught Abu Zubaydah, who was a senior member of al-Qaeda.

Now the question arose, how brutal the US could be in order to press him for information. After the 9/11 attacks, US Vice President Dick Cheney had signalled, that he was willing to accept that the terrorists the CIA caught, would be interrogated in quite a brutal manner. But the CIA wanted The White House and the Department of Justice to specify exactly how far they could go.

In August 2002, the Department of Justice wrote an internal memo, later known as *the torture memo*. With this, they pushed forward the invisible border that separates a rough interrogation from sheer torture. The Department maintained that physical pain is only to be regarded as torture – and as such a criminal act – if the pain “in its intensity corresponds to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death”.

This marked the beginning of the new interrogation techniques, that caused dismay among human rights champions when they were revealed in the press.

The methods included subjecting the prisoners to an extreme level of noise, pouring freezing water over them, depriving them of sleep by letting them hang from their wrists so their feet barely touched the floor, stripping them naked and humiliating them sexually.

The worst technique, used by the CIA, derives from the Spanish Inquisition. The prisoner is tied to a board, a cloth is put on his face and water poured over his face. To the prisoner, it feels like he is drowning.

Around this time, the US also started to fly the most important prisoners to secret prisons in Asia, Eastern Europe, and the Middle East, where they were imprisoned by the CIA.

Robert Grenier headed the CIA's counterterrorist unit from 2004 to 2006. Today, he is the manager of a private company. We meet for coffee in central Washington, and he defends the decisions he and others took about using the rough interrogation techniques and setting up secret prisons around the world.

“We were dealing with prisoners who might have had information about new terrorist attacks. Could we get access to this information in time, we might save thousands of lives. Therefore we wanted the option of aggressive techniques”, he says.

“If we arrested these people on American soil, we would have had to proceed in accordance with the rules listed in the Constitution – for instance, that you cannot detain people without charging them with something. We weren't able to create the right atmosphere during these interrogations, if we had to go by the rules, so we were forced to suspend them and detain the prisoners outside the US.”

The interrogations were apparently quite effective. Former senior commander in the CIA, George Tenet, writes in his memoirs *At the Center of the Storm*, that information obtained during these interrogations has stopped terrorist attacks in the US, Great Britain and the Middle East.

Mohamed Bashmilah was also subjected to the rough interrogation techniques favoured by the CIA, when he in October 2003 was flown to Afghanistan after having been in a prison in Jordan.

"After landing, the guard uncuffed me, then he tied my hands with plastic strings", he says.

He had been blindfolded, but it was taken off and he was pushed into a waiting car.

"I was forced to lie down, and someone sat on my back so I couldn't raise my head. I think they did it, so I couldn't look out the windows", says Mohamed Bashmilah.

He was then taken to a camp, that he now suspects is the American base, Bagram. He was put in a cell, measuring 4 square meters. The first couple of weeks both his feet and hands were shackled.

"They let me hang from the ceiling and beat me. They thought, I was a member of al-Qaeda".

After a couple of weeks they only shackled his feet, but they continued to chain his hand to the wall of the cell.

"The interrogations became less rough. I was very cooperative. Mostly they showed me pictures of people, whom they wanted to know if I knew. But this instigated another problem. Because if I said yes, they had all sorts of questions.

He has told his counsel, that the people interrogating him spoke English with a distinct American accent.

Michael Scheuer continued working for the CIA until 2004. Today, he is working for a think tank, where he writes analyses of al-Qaeda. He says, that the European intelligence agencies were eager to know what the prisoners had revealed during the CIA interrogations, while claiming that they knew nothing about the programme.

From May 2004, various media ran exposes on how the CIA were detaining terror suspects and were flying them to secret prisons around the world, where they were subjected to torture.

Everytime a newspaper wrote about the brutal techniques favoured by the CIA, the European governments were expressing contempt.

"The US are often used as a punchbag", says Michael Scheuer.

In November 2005, the Ministers of Foreign Affairs in the EU-countries asked the US if they had used European countries in the Rendition Programme.

"We want the Americans to tell us, what it is with these CIA-planes, and if there is any truth in the rumours about secret prisons" said the Danish Minister, Per Stig Møller.

The following month, Colin Powell was interviewed by the BBC, and here he was visibly fed up with the European charades. A few months prior, he had stepped down as Secretary of State.

“Our European friends cannot be shocked, that this has happened. The fact is, that we for many years have had procedures dealing with terrorists or terrorsuspects, and renditions as well. This is not news to my European friends”, he said.

In March this year, Michael Hayden, Head of the CIA, spoke out bluntly in a speech, he was delivering to EU-ambassadors in Washington during a secret sitting. He didn't mince his words. He was reminding the EU, that they had for years been co-conspirators in the controversial interrogations.

Politiken holds a copy of Michael Hayden's speech. Among other things, he said:

“The CIA-prisoners have been key to our understanding of al-Qaeda in the past five years, and we have been sharing this knowledge with our European partners. Thousands of intelligence reports have been passed onto our EU-allies”.

He continued:

“My bureau have also given hundreds of answers to the specific questions, your agencies have wanted to ask the people, detained by us. Moreover, the CIA have given you hundreds of analytical assessments – based in part on information given to us by the al-Qaeda prisoners.”

According to Robert Grenier, head of the CIA's counterterrorist unit from 2004 to 2006, the reports would generally only contain, what the prisoner had said, but not whether the CIA had obtained the information by letting him hang from the ceiling.

Robert Grenier says, that the intelligence services in the European countries didn't try to establish how the interrogations had been conducted.

“Some of our allies were very keen on getting information, but they didn't ask any questions. The strategy was, don't ask and then we won't tell you either”, he says.

But Hans Jørgen Bonnichsen, detective superintendent in PET 1997-2006, denies that they received any information about the programme in this period. He believes, that the CIA have a hidden agenda.

“I have not set eyes on an intelligence report, stating that the CIA had their own prisoners. I have noticed, that the bureau lately have been busy washing their hands. Apparently, they are eager to validate the interrogation techniques, they have been using”, he says.

But didn't you consider the possibility - after 2004, when the media began focusing intensively on the programme – that some of the intelligence you received derived from this programme?

“I have never received any intelligence, that warrants such a suspicion”.

Mohamed Bashmilah was jailed in the American Bagram-base for six months. Then, suddenly, he was taken to a plane. Here followed the same procedure, as when he had been flown from Jordan to Afghanistan. He was stripped naked, given new clothes, including a napkin, shackled, blindfolded and earplugged.

Then he was flown to a new prison. He don't know where this prison was. But judging by the climate, his counsel and Amnesty International believe it to have been one of the CIA's secret prisons in Eastern Europe.

"It was very cold, and the first couple of days, I was left naked in my cell", he says.

He could hear the guards speaking American to each other.

"It was exactly the same experience. The interrogators showed me pictures, and asked who they were. If I recognised them, I was subjected to long interrogations."

His cell measured 6 squaremeters. He was shackled, and chained to a ring in the floor. He has explained to his counsel, that he was forced to listen to incredibly loud music for many hours at the time.

Finally, he couldn't stand the torture anymore, and he tried to commit suicide by cutting his wrists. Using his own blood, he wrote on the wall of his cell: "I am innocent".

After having spent 13 months in jail, he was taken to Yemen. Here he was put in jail again, until he was finally released. Two and a half years had passed since his arrest in Jordan.

He din't turn out to be the terrorist, the CIA suspected he was. He doesn't know, why they grabbed him.

"They never told me, what they were accusing me of", says Mohamed Bashmilah.